



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

ARTHUR A. COLLINS, INC.,

PLAINTIFF

V.

CIVIL ACTION NO. 3:05cv00124-AGW

MCI, INC.

DEFENDANT

JURY DEMAND

COMPLAINT

Plaintiff, Arthur A. Collins, Inc. ("Collins"), complains of Defendant MCI Inc. ("MCI"), as follows:

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. §1338(a). Venue is proper in this judicial district under 28 U.S.C. §§1391 and 1400(b).

THE PARTIES

2. Collins is an Iowa Corporation with its principal place of business at 1303 Chickasaw, Richardson, Texas 75080.

3. Upon information and belief, MCI is a Delaware corporation having its principal place of business at 22001 Loudoun County Parkway, Ashburn, Virginia 20147.

GENERAL ALLEGATIONS

4. Collins is the owner of United States Patent Nos. 4,701,907 C1 ("the '907 patent") and 4,797,589 C1 ("the '589 patent") (collectively "the patents-in-suit").

5. The '907 patent originally issued on October 20, 1987 and was the subject of Reexamination Certificate 4631st, which issued on August 27, 2002. The '907 patent has expired. The '589 patent originally issued on January 10, 1989, and was the subject of Reexamination

Certificate 4637th, which issued on September 10, 2002. Each patent is entitled “Dynamically Reconfigurable Time-Space-Time Digital Switch and Network”.

6. MCI has, since July 21, 2002, infringed, in the past through its predecessor-in-interest, WorldCom, Inc. (“WorldCom”), and continues to infringe the patents-in-suit, by, *inter alia*, using in this Judicial District SONET telecommunication networks interconnected with TST digital switches which are covered by the patents-in-suit.

COUNT I

PATENT INFRINGEMENT

7. Collins repeats and incorporates by reference the allegations set forth in paragraphs 1 through 6.

8. MCI has infringed the claims of the ‘589 and ‘907 patents through, among other activities, using SONET telecommunication networks interconnected with TST digital switches, and selling and offering for sale services associated with such networks. Further, MCI has, through its actions, knowingly contributed to or induced the infringement of the ‘589 and ‘907 patents in violation of 35 U.S.C. §§ 271(b) & (c).

9. MCI’s infringement has injured Collins, and entitles Collins to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

10. On information and belief, MCI’s infringement of the patents in suit is, and has been, willful.

11. MCI’s infringement of the patents in suit has caused irreparable harm to Collins, and will continue to injure Collins irreparably unless enjoined by this Court.

12. No charge of infringement is being made by Collins herein against MCI regarding any Lucent Equipment (defined as “any service or equipment manufactured, sold, leased or otherwise provided (directly or indirectly) by Lucent”), individually or in combination with other

Lucent Equipment or Non-Lucent Equipment (defined as "any equipment that is not Lucent Equipment").

WHEREFORE, Collins seeks the following relief in this case:

- a. That MCI be ordered to pay damages adequate to compensate Collins for its infringement of the patents-in-suit, together with prejudgment interest and costs;
- b. That MCI be ordered to pay treble damages and attorneys' fees pursuant to 35 U.S.C. §284 and 285.
- c. That MCI be enjoined from further infringement of the '589 patent; and,
- d. That Collins be granted such other and additional relief against MCI as the Court deems just and proper.

Dated this the 18th day of February, 2005.

Respectfully submitted,

ARTHUR COLLINS, INC.

BY: WELLS, MOORE, SIMMONS & HUBBARD, PLLC

BY: 

CHARLES R. WILBANKS, JR. (MSB No. 7193)
GRAYSON R. LEWIS (MSB No. 100699)

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ATTORNEYS FOR PLAINTIFF

DEMAND FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. §38(b), Plaintiff demands a jury trial of all issues properly triable by a jury in this case.

Respectfully submitted,



CHARLES R. WILBANKS, JR.

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